

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JESUS HERRERA REYES,

Petitioner,

v.

WARDEN LAMANNA, et al.,

Respondents.

Civil Action No. 03-407 Erie

MEMORANDUM ORDER

This habeas corpus action was received by the Clerk of Court on December 11, 2003 and was referred to United States Magistrate Judge Lisa Pupo Lenihan for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 9], filed on August 29, 2006, recommended that Petitioner's Petition be dismissed. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail and on Respondents. No objections were filed. After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 19th day of September, 2006;

IT IS HEREBY ORDERED that the Petitioner's Petition for Writ of Habeas Corpus is DISMISSED.

The Report and Recommendation [Doc. No. 9] of Magistrate Judge Lenihan, filed on August 29, 2006, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Lisa Pupo Lenihan, U.S. Magistrate Judge